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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,459	03/30/2004	Andre Heilper	IL920040005US1	4673

7590 09/09/2005

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EXAMINER

LABAZE, EDWYN

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/813,459

Applicant(s)

HEILPER ET AL.

Examiner

EDWYN LABAZE

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 11-17 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 11-17 and 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of amendments filed on 8/10/2005.
2. Claims 1-5, 11-17 and 22-26 are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 11-17, and 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Cohen (US 2003/0050891).

Re claims 11 and 22: Cohen discloses method and system for registration and tracking of item, which includes reading {trough a scanner; as disclosed in page 3, paragraphs 0036, 0042; page 4, paragraph 0045)} a label {herein Cohen teaches a tracking number 134 attached to an item; as shown in fig. # 5, wherein the bar code label 134-10 contains the tracking number 134 of the painting} on a retail product (page 3, paragraphs 0041-0050); and providing a certificate of authenticity {herein the tracking check 136, as shown in fig. # 2,} of said retail product if an identification code encoded in said label and identifying said retail product is registered by a third party authority {herein a bank's authorization} to a store from which said retail product is to be bought (page 3, paragraphs 0045-0051; page 5, paragraphs 0061+; page 8, paragraphs 0090-0095; page 9, paragraphs 0101+).

Re claim 26: Cohen teaches a system and method, comprising the third party authority tracking title to retail products, each said retail product {such a Rolex watch, an autograph Michael Jordan jersey, a baseball and a baseball bat, a painting as shown in fig. # 5, wherein all theses items comprise of an attached traditional or magnetic embroidery barcode with indelible ink, or imprinting on the item containing the tracking number 134 of the tracking check 136. Cohen, further teaches that the bank 104 orders the production of the ordered tracking checks 136} having its own identification code (page 7, paragraphs 0078-0084).

Re claims 1-2: Cohen discloses a system and method, wherein the tracking comprises electronically (along a substantially a secure communications line) {herein application can be submitted by fax, telephone, mail, or internet} receiving new ownership information about at least one retail product to be physically transferred to a new owner; and electronically registering ownership of said at least one retail product to said new owner (page, paragraphs 0045-0046; page 6, paragraphs 0066+).

Re claim 3: Cohen teaches a system and method, also comprising having a unique article number assigned to each said at least one retail product (page 3, paragraphs 0043+; page 5, paragraphs 0061+).

Re claims 4-5: Cohen discloses a system and method, also comprising having unique article number encoded as a bar code 134-10 (page 3, paragraph 0042+).

Re claims 12 and 16: Cohen teaches a system and method, wherein the reading comprises scanning the label with a bar code reader (page 3, paragraphs 0036, 0042; page 4, paragraph 0045).

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Re claims 13, 17, and 25: Cohen discloses a system and method, wherein the identification code is one of the following code types one dimensional bar code, two-dimensional bar code, RFID tag and a magnetic tag (page 6, paragraph 0064; page 7, paragraph 0081).

Re claim 14: Cohen teaches a system and method, wherein the providing occurs at the store {herein interpreted as an art gallery, museum and the like} (page 9, paragraphs 0093-0099).

Re claim 15: Cohen discloses a system and method, comprising in a store {herein interpreted as an art gallery, museum and the like}, electronically reading {through a bar code scanner} a label on a desired retail product (page 3, paragraphs 0036, 0042; page 4, paragraph 0045); transmitting a retail product identification code encoded in said read label to a third party authentication unit {herein a bank}; receiving an indication from said authentication unit whether or not said retail product identification code is registered to said store (page, paragraphs 0061-0068); and; if said indication is positive {herein by comparing the face value on a tracking check 136 to the face value listed in the database 116 for said individual tracking check 136, the customer 106 can further guarantee the authenticity of a tracking check 136}, generating a certificate of authenticity for said desired retail product (page 9, paragraphs 0100+).

Re claim 23: Cohen teaches a system and method, also comprising a display unit {herein Cohen teaches means of transmitting a confirmation message on the recipient's computer, which inherently includes a display to view the message, as whether the tracking number 136 is registered or not} to display verification or denial of authenticity, according to results of the query (page 6, paragraphs 0072-0075).

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Re claim 24: Cohen discloses a system and method, comprising a printer to print a certificate of authenticity, if results of said query are positive (page 7, paragraphs 0078+; page 11, paragraphs 0118+).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rose, Jr. (U.S. 5,521,815) discloses uniform system for verifying and tracking articles of values.

Lewis (U.S. 5,841,116) teaches method and system for identifying personal possessions.

Franks (U.S. 6,885,286) discloses fine art registry system, database and method.

Snow et al. (US 2001/0047340) discloses authenticity verification method and apparatus.

Lucarelli (US 2001/0049606) teaches online collectible authentication and ownership system.

Kaufman et al. (US 2002/0147650) teaches designation and opportunistic tracking of valuables.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
August 29, 2005



THIEN M. LE
PRIMARY EXAMINER